

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – PJP - Gadwal, Mahabubnagar District – Alampur (Mandal) – Sultanpur (V) -
O.P.No.169/87 - Sanction of Decretal charges of **Rs.11,22,602/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 369

DATE:30.05.2009

Read:

From the CCLA, AP, Hyderabad Lr.No.SRP4/495/2008, dt:26.05.09
along with the proposal of the Spl.Collector, SSP, Kurnool.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, LA, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.169/87 pertaining to Sultanpur (V) Alampur (M) of Mahabubnagar District. The then Special Dy.Collector, LA, PJP, Gadwal had acquired the land to an extent of Acs.9.02 gts in the limits of Sultanpur (V) for the purpose of construction of Srisailem Hydro Electric Project by fixing the land value @Rs.153032.80 for lands and trees vide Award No.81/79, dt:15.11.79. The Sr.Civil Judge, Gadwal has enhanced the compensation for the lands @Rs.10,000/- per acre, @Rs.1,800/- per tree for (283) mango trees and @Rs.900/- per tree (69) tamarind trees vide judgment dt:31.01.1992. The claimant filed E.P for realization of decretal charges vide E.P.No.10/1996. The LAO had filed appeal before the Hon'ble High Court of A.P, Hyderabad against the order and decrees dt:31.01.1992 passed in O.P.No.169/1987. The Hon'ble High Court has dismissed appeal filed by the department in A.S.No.2065/1992, dt:04.07.1996 by confirming the orders of Lower court. The claimants have filed W.P.BNo.17383/1999 before the Hon'ble H.C of A.P Hyd for realization of decretal charges in O.P.No.169/1987.The SDC, Gadwal has filed stay petition before the Hon'ble Court of A.P, hyd. The Hon'ble H.C of A.P, hyd has granted the interim stay orders on 29.12.1999 and directed to deposit the $\frac{3}{4}$ compensation within (8) weeks from the date of order. Accordingly, an amount of Rs.14,19,364/- towards $\frac{3}{4}$ decretal charges was sanction and deposited in the Civil Court, Gadwal on 31.08.2000. Finally, the Hon'ble High Court dismissed the appeal on 04.06.2001 vide CMP No.27484/199-9711/2001. The SDC has filed appeal before the Hon'ble Supreme Court of India by way Special Leave Petition against the orders of the Hon'ble H.C of A.P, Hyderabad. The Hon'ble Supreme Court of India dismissed the SLP vide 1527/2003, dt:17.02.2003 on the grounds of delay and merits has submitted.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.1,06,518/- (Rupees One lakh six thousand five hundred and eighteen only)** in respect of O.P.No.49/88 pertaining to Ajjakole (V) Kothakota (M) of Mahabubnagar District may be agreed to subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The expenditure sanctioned in para (2) ante shall be debitable to following Head of Account under "2801-01-105 -SHES, G.H-11 – Normal State Plan – S.H (26) - Dams and Appurtenant works - 530 Major Works – 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.2056/F2(2)/2009-1, dated:30.05.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, Bheema Project, Mahabubnagar.

The Chief Engineer, NSRSSP, Gaganvihar, Hyderabad.

The SDC, LA, PJP, Gadwal, Mahabubnagar.

The Director of Works Accounts, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.12721/LA.III(A2)/2009

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER